

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AMERICAN STATES INS. CO.,

Plaintiff,

v.

No. 13-cv-0670 SMV/LAM

**BOBBY MARTINEZ; TINA MARTINEZ;
BAR-M CONSTRUCTION, INC.; and
PREMIER HEATING, AIR CONDITIONING
AND ROOFING, INC.;**

Defendants.

ORDER QUASHING ORDER TO SHOW CAUSE

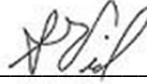
THIS MATTER is before the Court on Plaintiff's Motion for Entry of Default [Doc. 18], filed on December 13, 2013. The Court will quash its Order to Show Cause [Doc. 17] ("OTSC"), filed on December 11, 2013.

Plaintiff filed his Complaint against various Defendants on July 19, 2013. [Doc. 1] at 1. On July 23, 2013, Defendant Premier Heating, Air Conditioning and Roofing, Inc., was served with a summons and the Complaint. *See* [Doc. 7]. Defendant Premier Heating had 21 days to file a responsive pleading. *See* Fed. R. Civ. P. 12(a)(1)(A)(i). As of December 11, 2013, Defendant Premier Heating had not filed any responsive pleading, and Plaintiff had taken no action on the record to proceed with its claims against Defendant Premier Heating. Pursuant to D.N.M.LR-Civ. 41.1, the Court ordered Plaintiff to show cause why its claims against Defendant Premier Heating should not be dismissed for lack of prosecution. [Doc. 17].

Plaintiff filed its motion for entry of default against Defendant Premier Heating within the time period granted to file a response to the OTSC. As a result, no response is necessary and the Court will quash the OTSC.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Order to Show Cause [Doc. 17] is QUASHED.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge